

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

JOE H. BRYANT, JR.

PLAINTIFF

VS.

CIVIL ACTION NO. 3:05CV179TSL

**FRANKLIN E. CHALK, FREDERICK D. FEINSTEIN, ROY A.
GRAHAM, BILLY JOE GRESSETT, DONALD E.
JONES, LANGFORD L. KNIGHT, F. GREGORY
MALTA, WILLIAM F. PARTEN, ROBERT E.
PIERCE, ROGER E. SHIRLEY, CHARLES F. SPEED,
AARON K. WILSON, THOMAS TEMPLE AND
LESLIE WILKES; AND HOHN DOES 1-19**

DEFENDANTS

**AGREED ORDER GRANTING PLAINTIFF'S
PLAINTIFF'S MOTION TO CERTIFY DISMISSAL AS
FINAL AND APPEALABLE AND TO STAY PROCEEDINGS**

THIS DAY, THIS CAUSE, came on to be heard upon the Motion of Plaintiff, Joe H. Bryant, Jr. by and through counsel to Certify Dismissal of Certain Defendants as final pursuant to *Federal Rules of Civil Procedure*, 54(b) and to Stay Remaining Proceedings. Having heard and considered said Motion, having been advised by the parties that they are in agreement to stay these proceedings as to Malta and Pierce while any appeal as to the final dismissal of the other Defendants is pending before the United States Court of Appeals for the Fifth Circuit, and having otherwise been fully advised in the premises, the Court hereby enters the following order and findings, to-wit:

1. On June 17, 2008, this Court entered its Memorandum Opinion and Order, which granted Partial Summary Judgment to the last remaining claims alleged against a vast majority of the defendants in this action.
2. As the June 17, 2008 order dismissed the last remaining claims against all Defendants with the exception of Defendant Pierce and Defendant Malta, all issues

pertaining to these Defendants have now been finally decided in their favor at this point and they are hereby Dismissed. This Order is to be considered as final adjudication as to all issues and all claims pertaining to these Defendants in accordance with Rule 54 (b) of the *Federal Rules of Civil Procedure*, such that their dismissal is ripe for any appeal which the Plaintiff may wish to pursue.

3. Furthermore, the actions pending against Defendant Pierce and Defendant Malta should be stayed if and when any appeal is pursued by the Plaintiff pertaining to the dismissal of the other Defendants.

IT IS, THEREFORE, ORDERED that the dismissal of all Defendants, with the exception of Defendant Pierce and Defendant Malta, are to be considered a full and final adjudication of any and all claims against them in accordance with Rule 54(b) of the *Federal Rules of Civil Procedure* and that the proceedings as to Defendant Pierce and Defendant Malta are hereby stayed in light of the Plaintiff's desire to appeal the dismissal of the other Defendants to the United States Court of Appeals for the Fifth Circuit.

SO ORDERED, this the 9th day of January, 2009.

TOM S.LEE
United States District Court Judge

Agreed to and Approved:

/s/ Jay M. Kilpatrick
Jay M. Kilpatrick

/s/ Paul A. Koerber
Paul A. Koerber, Esq.

/s/ Greg Malta
Greg Malta, Esq.